

IC 33-34-2

Chapter 2. Judges

IC 33-34-2-1

Election

Sec. 1. A judge shall be elected at the general election every four (4) years by the registered voters residing within the township in which the small claims court is located.

As added by P.L.98-2004, SEC.13. Amended by P.L.174-2006, SEC.4.

IC 33-34-2-2

Qualifications

Sec. 2. A judge must meet the qualifications prescribed by IC 3-8-1-30.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-3

Term of office

Sec. 3. The term of office of a judge is four (4) years, beginning January 1 after election and continuing until a successor is:

- (1) elected; and
- (2) qualified.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-4

Court schedule

Sec. 4. (a) The circuit court judge may establish a regular hourly schedule for the performance of duties by full-time or part-time township small claims courts and each judge shall maintain that schedule.

(b) If the circuit court judge does not establish a regular hourly schedule, the judge shall perform the judge's duties at regular, reasonable hours.

(c) Regardless of whether a regular hourly schedule has been established as set forth in subsection (a), a judge shall hold sessions in addition to the judge's regular schedule whenever the business of the judge's court requires.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-5

Salary

Sec. 5. (a) The salary of a judge who serves full time must be in an amount determined by the township board of the township in which the small claims court is located.

(b) The salary of each judge who serves part time must be in an amount determined by the township board and approved by the city-county council.

(c) The salary of a judge may not be reduced during the judge's term of office.

(d) At any other time, salaries of any full-time or part-time judge may be increased or decreased by the township board of the township in which the small claims court is located.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-6

Salary payment; conflict of duties

Sec. 6. (a) The annual salary of a judge shall be paid in twelve (12) equal monthly installments by the township trustee.

(b) The judge may not receive remuneration other than a salary set under section 5 of this chapter for the performance of the judge's official duties except payments for performing marriage ceremonies.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-7

Other employment

Sec. 7. (a) A judge serving part-time may participate in other gainful employment if the employment does not:

- (1) interfere with the exercise of the judge's judicial office; or
- (2) involve any conflict of interest in the performance of the judge's judicial duties.

(b) A judge serving full time may practice law if the practice does not conflict in any way with the judge's official duties and does not:

- (1) cause the judge to be unduly absent from the court; or
- (2) interfere with the ready and prompt disposal of the judge's judicial duties.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-8

Retirement fund; eligibility

Sec. 8. The:

- (1) judge of a small claims court; and
- (2) employees of the court;

may be eligible to participate in the public employees' retirement fund as provided in IC 5-10.3, but a judge is not eligible to participate as a member in the judges' retirement fund under IC 33-38.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-9

Vacations

Sec. 9. (a) A vacation of one (1) month per year shall be provided for a judge who serves in a full-time capacity.

(b) The circuit court judge may authorize the appointment of a judge pro tempore to handle the judicial business of the vacationing judge, if the circuit court judge considers it necessary.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-10

Discipline

Sec. 10. (a) A judge is subject to disciplinary action for the

grounds and in the manner set forth in IC 33-38-14.

(b) The commission on judicial qualifications for judges of the superior and probate courts is the commission on judicial qualifications for the judges of the small claims courts.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-11

Oath

Sec. 11. Before assuming the duties of a judge, a judge must take an oath to:

- (1) faithfully perform the duties of the judge's office; and
- (2) support and defend to the best of the judge's ability the constitution and laws of Indiana and the United States.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-12

Bond

Sec. 12. (a) A judge shall:

- (1) furnish a bond in a sum required by the circuit court judge to provide for the:
 - (A) faithful discharge of the duties of the office; and
 - (B) payment or delivery to the proper persons of whatever money or other property may come into the judge's hands when acting as judge; and
- (2) file the bond with the county recorder.

The bond must also extend to cover a person that is appointed to act as judge under IC 33-34-5-4.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-13

Seal

Sec. 13. (a) A judge shall procure a seal that will stamp upon paper a distinct impression of words and letters. The seal must contain the words "_____ Township of Marion County Small Claims Court" (insert the name of the township in the blank).

(b) Deeds, mortgages, powers of attorney, state warrants, and all other instruments of writing pertaining to the judge's official duty, attested by the seal and signature of the judge, are presumptive evidence of the official character of the court or judge in all courts in Indiana without further authentication.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-14

Resignation

Sec. 14. (a) The resignation of a judge shall be delivered to the clerk of the circuit court. The clerk shall advise the circuit court and appropriate township board.

(b) A vacancy occurring in a judgeship must be filled under IC 3-13-10.

As added by P.L.98-2004, SEC.13.